

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	}	
	}	
	}	
<b>Plaintiff,</b>	}	
	}	
<b>v.</b>	}	<b>COMPLAINT</b>
	}	
<b>ALDEN SHORT, INC., &amp; HINSON JENNINGS, LLC</b>	}	
	}	
	}	<b><u>JURY TRIAL DEMANDED</u></b>
	}	
<b>Defendants.</b>	}	
	}	
_____	}	

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42. U.S.C. §1981a, to correct unlawful employment practices on the basis of national origin (Hispanic) and to provide appropriate relief to Claudia Guardiola, Linda Spears, and Leticia Stewart. As alleged with greater particularity in paragraphs 13-16 below, the Equal Employment Opportunity Commission (“the Commission”) alleges that Alden Short, Inc. and Hinson Jennings, LLC subjected Guardiola, Spears and Stewart to a hostile work environment because of their national origin, Hispanic.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to §§706(f)(1) and 706(f)(3) of Title VII, as amended, 42 U.S.C. §§2000e-5(f)(1) and (f)(3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981(a).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Texas.

**PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by §§706(f)(1) and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

4. At all relevant times, Alden Short, Inc. and Hinson Jennings, LLC (hereinafter referred to collectively as “Defendant Employer”) have operated as a single employer and/or integrated enterprise. Evidence of their operation as an integrated enterprise includes but is not limited to the following:

- (a) Alden Short, Inc. and Hinson Jennings, LLC share common ownership and common management, with Scott Belsley serving as the “President” of Alden Short and the “Manager” of Hinson Jennings.
- (b) Alden Short, Inc. and Hinson Jennings, LLC have the same principal office and place of business address listed with the Texas Secretary of State.
- (c) Alden Short, Inc. and Hinson Jennings, LLC have centralized control of labor relations and personnel issues.

5. At all relevant times, Defendant employer has continuously been doing business in the State of Texas and the City of Dallas, and has continuously had at least 15 employees.

6. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

**ADMINISTRATIVE PROCEDURES**

7. More than thirty days prior to the institution of this lawsuit, Claudia Guardiola, Linda Spears and Leticia Stewart filed charges of discrimination with the Commission alleging violations of Title VII.

8. On May 22, 2018, the Commission issued to Defendant Employer a Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendant Employer to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

9. The Commission engaged in communications with Defendant Employer to provide Defendant Employer the opportunity to remedy the discriminatory practices described in the Letter of Determination.

10. On June 28, 2018, the Commission issued to Defendant Employer a Notice of Failure of Conciliation advising Defendant Employer that the Commission was unable to secure from Defendant Employer a conciliation agreement acceptable to the Commission.

11. All conditions precedent to the institution of this lawsuit have been fulfilled.

**STATEMENT OF CLAIMS**

12. Since at least 2014, Defendant Employer has engaged in unlawful employment practices in violation of §703(a) of Title VII, 42 U.S.C. §2000e-2(a). Such unlawful employment practices include subjecting Claudia Guardiola, Linda Spears, and Leticia Stewart to harassment on the basis of their national origin that unreasonably interfered with their work environment.

13. The national origin harassment was perpetrated by the Defendant Employer's owner and the Chief Operating Officer, both of whom had management and/or supervisory authority over of Guardiola, Spears, and Stewart.

14. The harassment included weekly comments about Mexicans, relying upon stereotypes and criticizing the intelligence of Mexican people. The harassment tied the derogatory comments directly to Guardiola, Spears and Stewart. The harassment also included, but was not limited to the use of slurs and vulgarity.

15. At the time that Guardiola, Spears, and Stewart were employed by Defendant Employer, there was no Human Resources department nor designated employee to whom complaints of discrimination could be made. There was also no training on harassment or the laws against employment discrimination, and no employee handbook informing employees of their rights and responsibilities or procedures for raising workplace complaints.

16. The effect of the practices complained of in paragraphs 12-15 above has been to deprive Guardiola, Spears, and Stewart of equal employment opportunities and otherwise adversely affect their status as an employee because of their national origin.

17. The unlawful employment practices complained of in paragraphs 12-15 above were intentional.

18. The unlawful employment practices complained of in paragraphs 12-15 above were done with malice or with reckless indifference to the federally protected rights of Guardiola, Spears, and Stewart.

#### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, agents, servants, employees, attorneys and all persons in active concert or participation with it from creating, maintaining or engaging in a hostile work environment or any other employment practice which discriminates on the basis of national origin.

B. Order the Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanics, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant Employer to make whole Claudia Guardiola, Linda Spears, and Leticia Stewart by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 12-15 above.

D. Order the Defendant Employer to make whole Claudia Guardiola, Linda Spears, and Leticia Stewart by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraphs 12-15 above, including humiliation, emotional pain and suffering, stress, inconvenience, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant Employer to pay Claudia Guardiola, Linda Spears, and Leticia Stewart punitive damages for the malicious and reckless conduct described in paragraphs 12-15 above in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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